

Date: May 9, 2006
For Agenda Of: May 10, 2006
Agenda Item: 4
DESK ITEM

REPORT TO: The Planning Commission
FROM: The Director of Community Development
LOCATION: 107 Colorado Court
Architecture and Site Application S-06-022

Requesting approval to construct a new single family residence on property zoned HR-2 1/2. APN 527-56-033.

PROPERTY OWNER/ APPLICANT: Stewart and Colette Fahmy

EXHIBITS: A-K. Previously Submitted.
L. Letter from Jack & Laurie Goldstein (3 pages) received October 11, 2005.
M. E-mail from Phil & Donna Wright (1 page) received May 9, 2006.

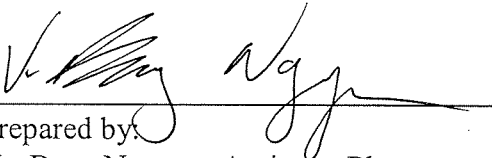
A. DISCUSSION:

Letter from Jack & Laurie Goldstein

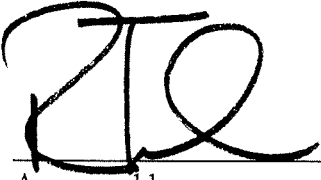
The letter from the neighbors at 109 Colorado Court address their concerns with the proposed project including home size, drainage, privacy, and tree removal. The letter is responding to the original plans submitted September 28, 2005 (Exhibit L).

E-mail from Phil & Donna Wright

The neighbors at 119 Madera Ct. describe important design considerations for neighborhood compatibility (Exhibit M).


Prepared by:
Vu-Bang Nguyen, Assistant Planner

BNL:RT:VBN


Approved by:
Bud N. Lortz,
Director of Community Development

N:\DEV\Vu_Bang\Arch & Site\107 Colorado Ct\2006-05-09 Desk Item to PC.wpd

ATTACHMENT 3

JACK and LAURIE GOLDSTEIN
109 Colorado Court (Mailing Address: P.O. Box 321180)
Los Gatos, California 95032

Planning Commission
Town of Los Gatos, California
110 E. Main Street – P.O. Box 949
Los Gatos, CA 95031

D
OCT 11 2005
TOWN OF LOS GATOS
PLANNING DIVISION

Dear Planning Commission,

I am writing with respect to the proposed construction at 107 Colorado Court (next door to my property at 109 Colorado Court) by Mr. Stewart Fahmy of 331 Santa Rosa Drive, Los Gatos. It is our understanding that Mr. Fahmy recently submitted plans to construct a residence on this property. Approximately two months ago, Mr. Fahmy discussed his construction plans with members of our local homeowners association who invited other interested parties to attend. At that time, he provided us with his proposed plans.

After reviewing the plans and trying unsuccessfully to get Mr. Fahmy to alter his plans, we felt it important to bring our concerns about this construction to your attention.

1. Mr. Fahmy proposes to build a house of approximately 7790 square feet with a main level of 4985 square feet on this property of 0.92 Acres (39750 square feet). The property is pie shaped and has a very steep grade. The main level is so large in relationship to the property that the plans call for it to be angled so that it fits on the lot. We believe that the town guidelines for such a property limit the size of the house on a property which is so steeply sloped. We would like Mr. Fahmy to adhere to the town regulations.
2. Second, but most importantly, we are concerned about drainage from his house especially during construction since his property is so much higher than ours. In addition, the entire property is sloped toward our house. Because the proposed construction is so large, the cement apron for its 4 car garage is situated right next to our property. From the angle on the plans, it appears that the drainage from the driveway will flood into our driveway and the lower level of our house. If the main level was smaller and the size of the house was in keeping with town regulations, the house could be moved parallel to and closer to the

street where the grade is much flatter. This would result in less grading and therefore less flooding concerns.

3. Because the house is at an angle, the back of the house faces our house and decks and will interfere with our privacy.
4. The angle of the house is also an issue since the way it is situated on the property threatens 5 or so California Live Oaks in addition to the several that have to be removed to build the house. If these trees were removed we would have even more potential for erosion and drainage problems. Again, if the house were smaller, parallel with the street and closer to the street these oaks would not be threatened.

Our suggestions to Mr. Fahmy were as follows.

First, we asked him to make the main level of the house smaller since the house is too large for the property and indicated that he should adhere to the town regulations for a property with a slope this steep. Although there is a 10,000 square foot house on the other side of the proposed property which is at 471 Santa Rosa Drive and we were in support of this house being built, at the time of construction, the then owners owned both the lots at 471 Santa Rosa and 107 Colorado and they planned to leave the second lot undeveloped. Most of the homes on Colorado Court and the rest of the Alta Vista Neighborhood are between 4000 – 6000 square feet. Second, we asked Mr. Fahmy to make the house parallel and closer to the street so that it does not interfere with our drainage, protects the oaks in back and will give us both more privacy.

We support Mr. Fahmy's right to build on the property in which he has invested. However, we believe that he should conform to the town regulations.

Sincerely,



Jack and Laurie Goldstein

109 Colorado Court (Mailing Address: P.O. Box 321180)
Los Gatos, CA 95032

Cc: Aaron Feigin, President, Alta Vista Homeowner's Association

Colorado Court Home Owners and Approximate Square Footage

108 Colorado Court	- Andresen	- 5100 sq. ft.
109 Colorado Court	- Goldstein	- 4900 sq. ft.
111 Colorado Court	- Mushet	- 4500 sq. ft.
112 Colorado Court	- Plasket	- 5000 sq. ft.
114 Colorado Court	- Thompson	- 4000 sq. ft.

Vu Nguyen - 107 Colorado Ct

From: "Donna Wright (donwrigh)" <donwrigh@cisco.com>
To: <vnnguyen@losgatosca.gov>
Date: 05/08/2006 9:57:23 PM
Subject: 107 Colorado Ct
CC: <Laurjack5@aol.com>, <jglembocki@aol.com>

RECEIVED
MAY 9 2006
TOWN OF LOS GATOS
PLANNING DIVISION

Dear Mr. Vu-Bang Nguyen:

We have chosen to live in Los Gatos for over twenty years. We have great respect for the work of the Planning Committee and for their diligence in keeping Los Gatos a desirable place to live, while also listening to homeowners requests. We trust that you will make the right decision on this building issue, continuing to keep Los Gatos green and also assure that homes are built that add, not detract from the character of the neighborhood and landscape. We trust that you will review the floor/area ratio and make sure that as many trees as possible are left intact and that the structure is situated on the lot with adequate space around it, in keeping with our neighborhood.

Phil and Donna Wright
119 Madera Ct.
Los Gatos

Exhibit M

Date: May 4, 2006
For Agenda Of: May 10, 2006
Agenda Item: 4

REPORT TO: The Planning Commission
FROM: The Director of Community Development
LOCATION: 107 Colorado Court
Architecture and Site Application S-06-022

Requesting approval to construct a new single family residence on property zoned HR-2½. APN 527-56-033.

PROPERTY OWNER/APPLICANT: Stewart and Colette Fahmy

FINDINGS: None

CONSIDERATIONS: ■ As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

ACTION: The decision of the Planning Commission is final unless appealed within ten days.

ENVIRONMENTAL ASSESSMENT: It has been determined that the project could have significant impacts on the environment. An Initial Study and Negative Declaration will be prepared prior to final consideration of the project.

EXHIBITS:

- A. Location map (one page)
- B. Considerations for the review of A&S applications (three pages)
- C. Letter from Dawn & David Andersen (one page), received October 14, 2005
- D. Letter from Vernon & Sherian Plaskett (one page), received October 19, 2005
- E. Letter from Jack & Laurie Goldstein (one page), received March 28, 2006
- F. Letters from Jerry S. Glembocki (two pages each), received October 17, 2005 and April 11, 2006
- G. Letter from Robert & Judith Kuechler (one page), received April 11, 2006
- H. Letter from Janet Mushet (two pages), received April 18, 2006
- I. Project data sheet (one page)
- J. Applicant's letter (two pages), received April 20, 2006
- K. Development plans (7 sheets), received April 12, 2006

A. BACKGROUND:

Site Description

The subject property is located on the west side of Colorado Court, two lots north of Santa Rosa Drive (see Exhibit A). There are a number of large oak trees located within the proposed building site and the majority of the lot has slopes greater than 30%, making it extremely challenging to develop. Although the property is 40,075 square feet, the allowable floor area is 4,300 square feet due to the applicable slope reduction.

Previous Approval

In 1997, the Development Review Committee approved plans for a new 5,923 square foot house with a 909 square foot garage and a swimming pool. However, that application expired in 1999 and is no longer valid. The approval was made prior to the adoption of the new General Plan in 2000 and prior to the adoption of the new Hillside Design Standards and Guidelines.

Chronology of Project

9/28/2005	Architecture and Site application filed (staff met with the applicant on several occasions prior to submittal).
10/12/2005	Staff Technical Review meeting. Many concerns were raised and many technical deficiencies were identified.
10/20/2005	Meeting between applicant, architect and staff (including Randy Tsuda, Assistant Community Development Director).
3/13/2006	Applicant submitted preliminary plan revisions in response to technical review comments and staff concerns.
4/4/2006	Meeting between applicant, architect and staff (including Bud Lortz, Community Development Director). Applicant was informed that staff could not support the proposed project.
4/12/2006	Revised plans submitted for referral to Planning Commission.
4/18/2006	Development Review Committee meeting.

Status of Project

Staff has advised the applicant on numerous occasions that the plans are in need of major revisions to comply with the Hillside Development Standards & Guidelines (HDS&G). Staff typically tries to work with an applicant to evolve a project to the point where it can be approved or approved with conditions. While the applicant has reduced the overall house size from that of the initial submittal, the project remains significantly noncompliant with the HDS&G. The applicant believes that the project has merit, that it is consistent with other homes within the Alta Vista subdivision, and does not wish to reduce the house size further.

Staff has forwarded the plans and supporting information to the Planning Commission so that direction can be provided to the applicant for a significant redesign of the project or the application can be denied. The technical and peer reviews (includes arborist, architect, geotechnical and environmental evaluations) have not been completed in the interest of saving the applicant time and expense and saving staff and Town consultants from expending significant time to completely analyze plans that are significantly noncompliant with the HDS&G. Recommended conditions of approval have not been prepared for the same reason. If the Commission decides to remand the project for significant redesign, the technical reviews and evaluations and conditions of approval will be completed before the application is returned to the Commission for final action.

B. REMARKS:

Exhibit I provides general project data. The applicant has also submitted a letter of justification (see Exhibit J). Staff has summarized the main issues relative to the proposed project for the Commission's consideration and discussion as follows:

House Size

The proposal is for a 5,775 square foot house with an attached 1,230 square foot garage. The total floor area is 6,605 square feet excluding 400 square feet of the garage. In addition, there are 1,875 square feet of covered terraces and porches. The total floor area exceeds the maximum allowable FAR of 4,400 square feet (4,800 square feet including the 400 square foot garage exemption).

Most of the property consists of slopes in excess of 30% and a new home cannot be built within the least restrictive development area (LRDA) of the site. However, Staff believes the encroachment outside the LRDA should be minimized as much as possible and that the size of house is too large for the site. The proposed project is located predominantly on slopes in excess of 30%, impacting most of the mature oaks trees and requiring a significant amount of grading and retaining walls.

The following table compares the proposed residence with other homes on Colorado Court.

Address		house	garage	total sq. ft.	lot size	FAR
471	Santa Rosa Drive	9,305	822	10,127	46,174	0.22
108	Colorado Court	5,542	822	6,370	41,818	0.15
109	Colorado Court	4,578	1,020	5,598	45,302	0.12
111	Colorado Court	4,798	1,008	5,806	88,427	0.07
112	Colorado Court	5,239	780	6,019	42,253	0.14
114	Colorado Court	3,896	611	4,507	50,030	0.09
	average	5,560	844	6,405	-	0.13
107	Colorado Court	5,775	1,230	7,005	40,075	0.17

The house at 471 Santa Rosa is not representative of the average home size within the Alta Vista subdivision and does not meet current hillside requirements. At the time the house was approved, both the Commission and Town Council indicated that it would not be supportive of a future project that is similar in size, scale and massing to this home. Even with this house included the applicant's proposal exceeds the neighborhood average for house and garage size and FAR.

As stated in the HDS&G, achieving the maximum floor area is not guaranteed due to individual site constraints. The priority is to comply with the standards and guidelines rather than designing to the FAR. The FAR is a numerical guide and achieving the allowable square footage is not a goal. Greater weight will be given to issues including but not limited to height, building mass and scale, visual impacts, grading and compatibility.

Criteria for allowing an exception to maximum allowed floor area (pages 29 and 30 of the HDS&G) is as follows:

1. The development will not be visible from any of the established viewing platforms.
2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.
3. Any grading necessary to accommodate the building area that exceeds the allowed FAR or an accessory building will be minimized.
4. All standards and applicable guidelines are being met.

5. Compliance to Title 24 Energy Efficiency Standards are shown using computer methods. The compliance margin must be at least 10.0.
6. The house will be pre-wired for future photovoltaic (PV) installation.
7. A minimum of 25% of hardscape material is permeable (certain types of interlocking pavers, grasscrete, pervious concrete, etc.).
8. A significant cellar element is included in the design, unless it conflicts with other standards.
9. There will not be a significant visual impact to neighboring properties.

The project does not comply with items 2, 3, 4 and 8. The Commission should discuss these issues and provide direction on the overall bulk and mass, the size of the proposed home and the overall development area.

Building Height

The proposed house is 30 feet eight-inches at the highest point. This exceeds the 30 foot height limit established by the Zoning Ordinance and would require approval of a variance. The maximum height allowed by the HDS&G is 25 feet, and any increase in height would require approval of an exception.

Swimming Pool

The proposed pool is located on a slope that exceeds 30% which is prohibited by the HDS&G. The HDS&G also states that due to topographic constraints not every lot will be able to accommodate a pool. The applicant should eliminate the pool.

Grading

Cuts in excess of the HDS&G grading criteria are required to construct the proposed house, driveway and pool. The standards allow a maximum cut of eight feet, excluding cellars within the house footprint, and a four foot maximum cut in all other areas. A cut of 15-feet is proposed in the northwest house corner and a high stem wall is proposed. The driveway requires a 14-foot fill and fill depths of up to 10 feet are proposed around the rear deck (three feet is allowed by the HDS&G).

Estimated grading volumes total 2,126 cubic yards (596 cubic yards of cut and 1,530 cubic yards of fill). The grading break down is shown in the following table:

Grading Volumes		
<i>Area</i>	<i>Cut</i>	<i>Fill</i>
driveway	0	443
house	134	222
pool	238	0
landscaping	(224)	865
total	596	1,530

Retaining Walls

The table on the following page shows that retaining walls have been limited to less than five feet; however there are numerous walls needed to support the proposed design and the total length of the walls is significant. Generally when a large number of retaining walls are needed, the development is not appropriate for the site.

Retaining Walls			
	<i>number of walls</i>	<i>wall height range (ft.)</i>	<i>total liner feet</i>
front yard	6	2½-5'	115'
driveway/garage	7	2-5'	155'
pool area	6	5'	775'

Drainage

Roof rainwater leaders will be required to be discharged onto energy dissipaters that are designed to spread out the water so it enters landscaped areas as sheet flow. Runoff from the site should not be collected into a pipe system, concentrated and discharged down slope as shown. Provisions for drainage behind the retaining walls will also be required.

Trees

There are 16 Coast Live Oaks on the site that are concentrated on the front half of the property. Eleven of the oak trees are proposed to be removed, and two others will be severely impacted by construction. Three of the oaks can potentially be saved under the proposed plan. The Consulting Arborist has not yet evaluated the plans to evaluate the feasibility of maintaining any of the existing trees.

Hillside Development Standards & Guidelines

The proposal does not comply with the following provisions of the HDS&G:

- The house and driveway have not been sited within the LRDA.
- The overall square footage exceeds the maximum allowed and justification is not sufficient to grant an exception.
- The height limitation is being exceeded by five feet.
- Amount of development is extensive (building area is extremely limited by site constraints); the site may not be able to support the proposed pool.
- Tree removals are significant.
- Total grading volume is significant and cut and fill criteria has been exceeded.
- Extensive use of retaining walls is necessary to construct the proposed project.

General Plan Conformance

The project may be in conflict with the following policies and implementing strategies from the General Plan:

- L.P.8.4 Emphasize preserving the natural land forms by minimizing grading. Grading should be limited only to the area needed to place the main house on the property.
- L.P.8.8 Existing specimen trees shall be preserved and protected as a part of any development proposal.
- L.I.8.10 Hillside Design Standard: Houses shall be designed to step down the contours rather than be designed for flat pads.
- CD.P.2.3 Mass Grading in New Construction: Follow natural land contour and avoid mass grading in new construction. Grading large, flat yard areas shall be avoided. Siting of the house must consider natural topography.

CD.P.2.4 Reducing Visible Mass: Effective visible mass shall be reduced through such means as stepping structures up and down the hillside, a maximum of two stories shall be visible from every elevation following the natural contours, and limiting the height and mass of the wall plane.

CD.P.2.6 Hillside landscaping: Hillside landscaping shall be designed with the following goals in mind:

- A. Preservation and use of native/natural vegetation
- D. Following the natural topography
- E. Preservation of natural trees, vegetation

C. RECOMMENDATION:

The Planning Commission should deny this application because a complete redesign is required for the project to comply with the HDS&G. However, the Commission may refer this application back to staff with specific direction to the applicant for desired plan changes. If the Commission finds merit with the proposed development to the extent that it could be approved through redesign staff suggests direction be provided on the following issues:

- house size
- house height
- overall development area
- pool/outdoor area
- grading
- retaining walls
- tree removals

The Commission may identify additional issues that have not been raised by staff. If the application is continued, staff recommends that a hearing date not be specified as the length of time to complete the technical and peer reviews cannot be determined at this time. The applicant will be charged for the cost of the additional public notice.

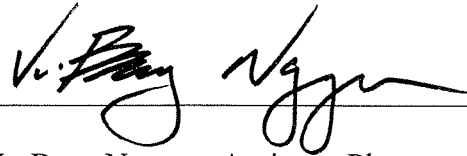
If the Commission decides to deny the application, findings for denial should be made. The Commission's input on the key issues would be helpful to the Council in the event an appeal is filed.

May 10, 2006

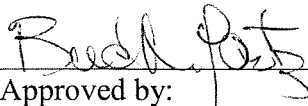


Prepared by:

Suzanne Davis, Associate Planner



Vu-Bang Nguyen, Assistant Planner



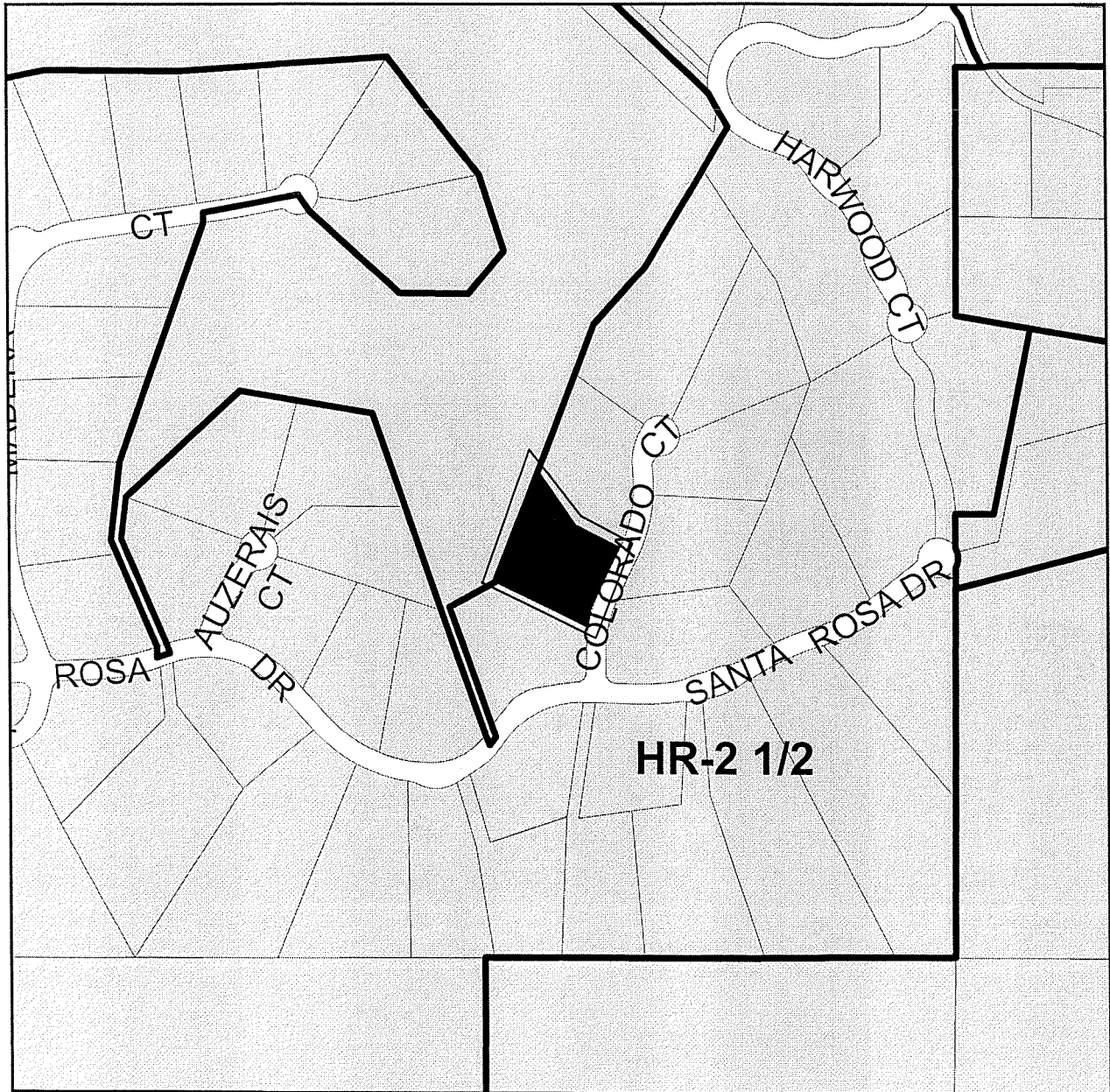
Approved by:

Bud N. Lortz, Director of Community Development

BNL:SD:mdc

cc: Stewart & Colette Fahmy, 331 Santa Rosa Drive, Los Gatos, CA 95032
Cherine Bassal Planning & Design, 4912 Bradford Place, Rocklin, CA 95765

107 Colorado Ct.



PLANNING COMMISSION MEETING - MAY 10, 2006
REQUIRED CONSIDERATIONS FOR:

107 Colorado Court

Architecture and Site Application S-06-022

Requesting approval to construct a new single family residence on property zoned HR-2½. APN 527-56-033.

PROPERTY OWNER/APPLICANT: Stewart and Colette Fahmy

CONSIDERATIONS:

Section 29.20.150. Considerations in review of applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

- (1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.
 - a. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:
 1. The ability of critical roadways and major intersections to accommodate existing traffic;
 2. Increased traffic estimated for approved developments not yet occupied; and
 3. Regional traffic growth and traffic anticipated for the proposed project one (1) year after occupancy.
 - b. The deciding body shall review the application for traffic roadway/intersection capacity and make one (1) of the following determinations:
 1. The project will not impact any roadways and/or intersections causing the roadways and/or intersections to exceed their available capacities.
 2. The project will impact a roadway(s) and/or intersection(s) causing the roadway(s) and/or intersection(s) to exceed their available capacities.

Any project receiving Town determination subsection (1)b.1. may proceed. Any project receiving Town determination subsection (1)b.2. must be modified or denied if the deciding body determines that the impact is unacceptable. In determining the acceptability of a traffic impact, the deciding body shall consider if the project's benefits to the community override the traffic impacts as determined by specific sections from the general plan and any applicable specific plan.

- (2) *Considerations relating to outdoor advertising.* The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development. Specialized lighting and sign systems may be used to distinguish special areas or neighborhoods such as the downtown area and Los Gatos Boulevard.
- (3) *Considerations relating to landscaping.* The location, height, and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, parking lots or unsightly development; the planting of ground cover or other surfacing to prevent dust and erosion; and the unnecessary destruction of existing healthy trees. Emphasize the use of planter boxes with seasonal flowers to add color and atmosphere to the central business district. Trees and plants shall be approved by the Director of Parks, Forestry and Maintenance Services for the purpose of meeting special criteria, including climatic conditions, maintenance, year-round versus seasonal color change (blossom, summer foliage, autumn color), special branching effects and other considerations.
- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the character of the neighborhood; and the appearance and harmony of the buildings with adjacent development.

Buildings should strengthen the form and image of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

- (5) *Considerations relating to drainage.* The effect of the site development plan on the adequacy of storm and surface water drainage.

107 Colorado Court

Architecture and Site Application S-06-22

Page 3 of 3

- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape and exterior construction and design of buildings and structures as such factors relate to the existing and future character of the neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.
- (7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.
- (8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on non-accessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a non-accessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.
- (9) *Considerations relating to the location of a hazardous waste management facility.* A hazardous waste facility shall not be located closer than five hundred (500) feet to any residentially zoned or used property or any property then being used as a public or private school primarily educating persons under the age of eighteen (18). An application for such a facility will require an environmental impact report, which may be focused through the initial study process.

Oct. 13, 2005

Planning Commission
Town of Los Gatos, Ca
110 E. Main Street
Los Gatos, Ca 95031

RECEIVED
OCT 14 2005
TOWN OF LOS GATOS
PLANNING DIVISION


Dear Planning Commission,

We are writing regarding the proposed construction at 107 Colorado Court, across from our house at 108 Colorado Court.

We understand that plans have been submitted that do not conform to existing codes.

We support the owners right to build, provided it is in compliance with current town regulations.

Sincerely,

 Dawn Andresen

Dawn and David Andresen
108 Colorado Court
Los Gatos, Ca 95032

Vernon and Sherian Plaskett
112 Colorado Court
Los Gatos, CA 95032

RECEIVED

OCT 19 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Planning Commission
Town of Los Gatos, California
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

Dear Planning Commission,

This letter is in strong opposition to the proposed construction of a 7,790 square foot house at 107 Colorado Court, across the street from my home at 112 Colorado Court.

We understand that the property owner, Mr. Fahmy, has stated that there are several other houses on this street that are 7,000 square feet. This is not true. Our house was originally planned to be 5,700 square feet, but the town rejected the plans as too large. We revised our design and its final size was 5,091 square feet.

We trust the town will be consistent in its planning and not grant a special favor to Mr. Fahmy.

Sincerely,


Vernon and Sherian Plaskett

JACK and LAURIE GOLDSTEIN
109 Colorado Court (Mailing Address: P.O. Box 321180)
Los Gatos, California 95032

Planning Commission
Town of Los Gatos, California
110 E. Main Street - P.O. Box 949
Los Gatos, CA 95031
March 25, 2006

RECEIVED

MAR 28 2006

TOWN OF LOS GATOS
PLANNING DIVISION

Re: Proposed Construction at 107 Colorado Court

Dear Planning Commission,

We are writing for the second time with regard to the proposed construction at 107 Colorado Court (which is next to our property at 109 Colorado Court) by Mr. Stewart Fahmy of 331 Santa Rosa Drive, Los Gatos. Mr. Fahmy recently submitted revised plans to construct a residence on this property and we have reviewed the plans that were submitted to the Planning Commission.

In this regard, we believe that the proposed house is still too large for the size and slope of the property. In fact, we believe that it is still about 1000 square feet larger than the allowable size that would be in adherence with Los Gatos town regulations. We would like the town to require Mr. Fahmy to adhere to the regulations of the town.

In addition, the proposed house location is still at an angle to the street. The result is that the rear of Mr. Fahmy's proposed house and proposed pool, etc. face directly to our house, thereby infringing on our privacy. We would like Mr. Fahmy to turn the house so that it is parallel to the street so that the side of his house faces the side of our house.

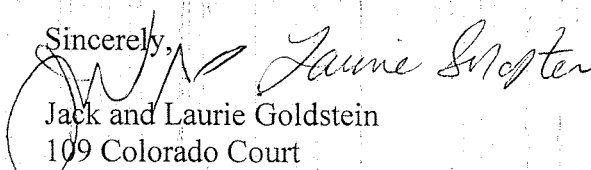
This would insure privacy for both of us.

Moreover, the proposed location of the house and pool are such that the construction will require the removal of a cluster of 5 or more California Oaks behind the rear of the house. If the house were situated parallel to the road and moved as close to the street as allowable then the Oaks in question would be spared.

Lastly, we are still concerned about water run off from the proposed driveway towards the lower level of our house and that the removal of the Oaks in question will also cause erosion and drainage problems for us. If the house were smaller and in keeping with the size allowable by the town the construction could be designed so that it eliminates the problems discussed above.

We would appreciate it if the town takes these issues into consideration when reviewing Mr. Fahmy's proposed plans.

Sincerely,


Jack and Laurie Goldstein
109 Colorado Court

cc: Selfia Halim; Chair Alta Vista Homeowners Architectural Committee; 511 Santa Rosa Drive, Los Gatos, CA 95032

Jerry S. Glembocki
471 Santa Rosa Drive
Los Gatos, Ca 95032

RECEIVED
OCT 21 2005

October 17, 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Planning Commission
Town of Los Gatos, California
110 E. Main Street – P.O. Box 949
Los Gatos, CA 95031

I am writing regarding the proposed construction at 107 Colorado Court (next door to my own house at 471 Santa Rosa Drive) by Mr. Stewart Fahmy of 331 Santa Rosa Drive, Los Gatos. It is our understanding that Mr. Fahmy recently submitted plans to construct a residence on this property. Approximately two months ago, Mr. Fahmy discussed his construction plans with members of our local homeowners association who invited other interested parties to attend. At that time, he provided us with his proposed plans.

We reviewed the plans and spent some significant time on the lot measuring out the building height and footprint to get a clear idea of the proposed house's impact on our view and privacy. We made several attempts to contact Mr. Fahmy with no response whatsoever. We felt it important to bring our concerns about this construction to your attention.

1. Mr. Fahmy proposes to build a house of approximately 7360 square feet with a main level of 5160 square feet on this property of 0.92 Acres (39750 square feet). The property is pie shaped and has a very steep grade. The main level is so large in relationship to the property that the plans call for it to be angled so that it fits on the lot. We believe that the town rules for such a property limit the size of the main level on such a steep slope. We would like Mr. Fahmy to adhere to the town regulations.
2. Our house sits along the very front of our lot. The way the proposed house sits (with very high walls and set very far back into the lot), we will literally be looking directly down at it from any vantage point in our backyard. Our newly finished decking and infinity pool now looks out upon a beautiful, tree-filled setting. With the proposed house, half of that view will be marred by the high walls the proposed house. Many windows face directly into our yard. Because of the way the house is positioned, they will look directly into our backyard.

3. The angle of the house is also an issue since the way it is situated on the property threatens an additional 5 or so California Live Oaks added to the several that have to be removed to build the house. These California Live Oaks are beautiful and add a significant amount of privacy between our neighbors and us.

We made three suggestions to Mr. Fahmy:

First, we and our neighbors on the other side asked him to make the main level of the house smaller since the house seemed too large for the property and indicated that he should adhere to the town regulations for a property with a slope this steep. Although our house is 10,000 square feet, the entire neighborhood was in support of the previous owner building the house, since it does not obstruct any views or infringe on privacy. Most of the homes on Colorado Court and the rest of the Alta Vista Neighborhood are between 4000 – 6000 square feet. Second, we asked Mr. Fahmy to make the house parallel to the street so that the back does not face our neighbor's house but would face the ravine behind his property. If the main level were smaller in size it would fit this way. Third, if it were turned parallel with the street the back would be less likely to infringe on the 5 or so oaks that currently sit on this portion of the property.

We support Mr. Fahmy's right to build on the property in which he has invested. However, we believe that he should, at least, conform to the town regulations even if he does not wish to adhere to suggestions of his neighbors-to-be. It is our understanding that Mr. Fahmy is a professional real estate developer and deals with matters of real estate and variances to the regulations as a matter of course. We would appreciate it if you would also take into consideration the suggestions of the other residents of this area who may not be as adept in dealing with these matters.

Sincerely,



Jerry Glembocki
471 Santa Rosa Drive
Los Gatos, CA 95032

Cc: Aaron Feigin, President, Alta Vista Homeowners

April 8, 2006

Jerry S. Glembocki
471 Santa Rosa Drive
Los Gatos, California 95032

Community Development Department
Town of Los Gatos
110 E. Main Street
P.O. Box 949
Los Gatos, California 95031

RECEIVED

APR 11 2006

TOWN OF LOS GATOS
PLANNING DIVISION

Regarding: #107 Colorado Court, Project Proposal by Mr. Stewart Fahmey

I met with Mr. Vu-Bang Nguyen yesterday to review the above referenced project plans. The property next to the project site is my home.

In reviewing the plans, there are several areas where the project oversteps town code and guidelines. I purchased my home in Los Gatos about 18 months ago. Part of my decision was based on understanding the allowable scope and details of a house that could be built next door. My concerns were related to appearance, size, height and disruption to the hillside. I felt that the Los Gatos Town code and guidelines adequately addressed my concerns. I strongly urge the Development Department and Town Council to hold the developer, Mr. Fahmey accountable to meeting all requirements stipulated in the code and guidelines.

My meeting with Mr. Nguyen was very helpful in understanding the details of the project and how they relate to my concerns. Outlined below are specific issues that I'm concerned about:

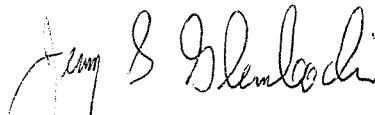
1. **Maximum Height** - The proposed structure exceeds both the town guideline for hillside development of 25 feet, and the town code of 30 feet maximum. A structure exceeding 25 feet in height will infringe of views from neighbor's homes and degrade neighborhood appearance.
2. **Maximum Size & Area** - The proposed size exceeds the guideline stipulated by the development department by over 2000 square feet. The town guideline for size is 4400 sq. ft. including garage, and the

proposal by Mr. Fahmey calls for over 6600 sq. ft. with garage. I understand that there are larger homes in the neighborhood, but the lot next door is unique in that it has a steep slope and limited frontage. A house exceeding the town guideline for this lot will create a crowded appearance in the neighborhood, require excessive grading and disruption to the hillside and will infringe on the privacy of neighbors. I urge the development department to strictly limit the size of this project to conform with town guidelines for this site.

3. **Excessive Grading & Disruption** - The proposed plan calls for construction that will span across a fairly steep slope. I'm very concerned about the amount of grading that will be required for building the house, landscaping and pool. With the steep slope, I'm concerned about erosion and drainage issues.
4. **Removal of Oak Trees** - The plan calls for removal of a significant number of California Live Oak trees that should be minimized. Removing this many trees will alter the appearance of the hillside and neighborhood in a negative way and potentially create drainage and soil stability issues..

In conclusion, I'm asking the Community Development Department to strictly require that this project conform to all town code and guidelines.

Thank You,



Jerry S. Glembocki

April 7, 2006

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APR 11 2006

TOWN OF LOS GATOS
PLANNING DIVISION

Vu Bang Nguyen, Asst. Planner
Community Development Department
110 E. Main Street
P. O. Box 949
Los Gatos, Ca. 95031

Re: Property located at 107 Colorado Ct., Los Gatos

Dear Mr. Nyguyen:

It has come to our attention that Mr Stewart Fahmy of 331 Santa Rosa Dr., Los Gatos, has purchased the lot at 107 Colorado Ct., Los Gatos with the intent of building a very large house and removing a number of oak trees on the property.

We are very concerned that this house will be so oversized for that piece of property on that slope that it will impact the aesthetics of the neighborhood and require the removal of many oak trees which affects us all as neighbors.

There is no issue with his building a house on that lot but we feel he should comply with the city rules and regulations as to appropriate size and remove as few oak trees as possible just as the rest of us have had to do. A 4500 sq. ft. house in that location should be the maximum size and the plans reworked to remove as few oaks as possible.

We **strongly!** urge the City to hold Mr Fahmy accountable to City regulations for his building project.

Thank you for taking this matter under consideration.

Robert P. & Judith Kuechler
451 Santa Rosa Dr
Los Gatos, Ca. 95032 *JK*

Exhibit G

April 15, 2006

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APR 18 2006

TOWN OF LOS GATOS
PLANNING DIVISION

Mr. Vu-Bang Nguyen
Community Development
Town of Los Gatos
P.O. Box 949
Los Gatos, CA 95031

Ref: Stewart Fahmy application for residential construction – 107 Colorado Court

Dear Mr. Nguyen:

We reside at 111 Colorado Court and would like, once again, to register our concerns regarding the proposed dwelling on Lot 7 (107 Colorado Court).

We examined the *revised* preliminary building plans in the Community Development offices last week and wish to make the following comments, in addition to those in our October 7, 2005, letter.

From our study of the 2004 Hillside Design Standards and Guidelines, there are many reasons why Planning should not approve this building application.

Under the terms of the HDSG, a development application is required to include a constraints analysis [identifying] the most appropriate area or areas on a lot for locating buildings given the existing constraints of the lot. This development may predate that requirement. But due to the steep slope and dense old oak forestation of this particular lot, we feel that it *should* be done for this particular site, if it has not as yet.

One of the primary reasons for having hillside guidelines is "preservation of the irreplaceable natural environment of the mountains." We appreciate the fact that Los Gatos has wisely developed such guidelines. We ask that you not approve an application that flies in the face of the primary goals of the guidelines.

According to the guidelines, buildings are to be sited in a manner that "minimizes the need for grading and preserves the natural features" of the site. This house design is so wide it has to be positioned at an angle to the street. It appears to be so high in the back that it takes a *series* of retaining walls to bring the pool area up to the back of the house...a total of 16.25 feet in height, in fact. In doing site planning, the HDSG states, "the cut and fill criteria are intended to ensure that new construction retains the existing landform of the site and follows the natural contours. This house design does not. It more specifically states, "retaining walls shall not be used to create large, flat yard areas." This design does just that. Further, "... swimming pools...are prohibited on slopes greater than 30%." "Avoid ... patios formed by retaining walls that make buildings appear more massive" and "step the building foundation with the natural slope." Having walked the site, we don't believe this building plan complies with these guidelines.

Exhibit H

This application, although revised downward in square feet, still exceeds the guideline for maximum allowable gross floor area for a lot with serious constraints. The *footprint* of 4345 sq. ft. is still much too large for the complexities of this lot, and considerably larger than the footprints of other Colorado Court homes. It does not comply with the principal of stepping a design down the hill; instead, it requires the removal of many significant old oaks. These oaks cannot be replaced. Cultivated oaks bear no resemblance to old growth oaks. When we built our home, we had to remove one scrubby 8" oak and replace it with eight nursery oaks. While 15 years later they *are* healthy, they will never resemble oaks that grow naturally on the hillsides. The plan specifies, "there will be no significant impacts on protected trees." *Many* irreplaceable trees will *certainly* be impacted if the planning commission allows this house to be built.

One of the principle features of the HDSG discussion regarding architectural design is that it be neighbor friendly. "Protecting the privacy of neighboring homes is a high priority in the siting and design of a new house.... Design standards should be followed to the greatest extent feasible to ensure privacy to surrounding neighbors." This house is not "neighbor friendly." There is "a significant visual impact to neighboring properties."

The HDSG talks about "viewing platforms." While these are mostly in regard to views from the valley floor, this principle should also apply to the "viewing platforms" of the surrounding neighbors. Their green belt will disappear. This is contrary to hillside development guidelines.

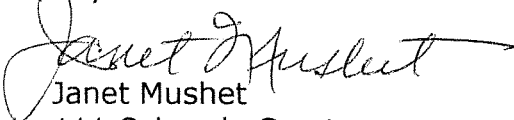
We urge Planning to firmly uphold the Hillside Design Standards and Guidelines and deny approval of this application.

We appreciate the courteous assistance that the Community Development Department gives when issues such as this arise. Thank you for your consideration of the above.

Respectfully,



Ray Mushet



Janet Mushet
111 Colorado Court
Los Gatos, CA 95032
408-356-1728

CC: Bud Lortz

SINGLE-FAMILY RESIDENTIAL PROJECT DATA			
	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
<i>Zoning district</i>	HR-2½	same	-
<i>Land use</i>	vacant	single family residence	-
<i>Lot size (sq. ft.)</i>			
• square feet	40,075	same	40,000 sq. ft. minimum
• acres	.92	same	.92 acre
<i>Exterior materials:</i>			
• siding	-	Stucco finish & Stone Veneer	-
• trim	-	Painted Pre-cast Concrete & Foam Trims	-
• windows	-	Vinyl Double Pane	-
• roofing	-	Mission Style Roof Tiles	-
<i>Building floor area:</i>			
• main level	-	4,345	-
• lower level	-	1,430	-
• TOTAL house size	-	5,775	4,400 sq. ft. maximum
• garage	-	1,230 (830)	400 sq. ft. exemption
• TOTAL floor area		7,005	4,800 sq. ft. maximum
<i>Setbacks (ft.):</i>			
• front	-	31'	30 feet minimum
• rear	-	69'	25 feet minimum
• side	-	20'	20 feet minimum
• side	-	45'	20 feet minimum
<i>Maximum height (ft.)*</i>	-	30'	25 feet maximum*
<i>Building coverage (%)</i>	-	16%	no maximum
<i>Parking</i>			
• covered	-	4	four spaces minimum in addition to garage
• uncovered	-	4+	
<i>Tree Removals</i>	-	11-13	canopy replacement

*maximum height may be reduced to 18 feet for highly visible locations or ridgeline lots

April 18, 2006

Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos CA 95032

RE: 107 Colorado Court, Los Gatos

Dear Madam or Sir:

I am submitting this letter in support of my application for the above-referenced property. My architect Cherine Bassal and I have worked closely with Community Development Department staff over the years on an acceptable design. I believe we have, in good faith, submitted a design consistent with the needs and requirements of the Town.

My property on 107 Colorado Court falls within the Alta Tiera neighborhood of Los Gatos. We understand that the houses in the area average over 6,000 square feet. In light of the concerns of staff, we have already agreed to change our original plan of a 7,390 square foot home, to a design reflecting a 5,775 square foot home with a 830 square foot garage. This is squarely within the norm for Alta Tiera neighborhood homes.

You will note that the home on one of our neighboring properties is well over 11,000 square feet, while the other is approximately 6,000 square feet. It would be completely incongruous to require that we further reduce our square footage. First, this would make our property wholly inconsistent not only with the two adjoining homes, but also with the rest of the neighborhood. Moreover, such a reduction would also result in the diminution of value of the other neighborhood properties.

We understand that 107 Colorado Court is one of the remaining two unbuilt lots in the entire Alta Tiera neighborhood. Unlike the application for the other unbuilt lot, which was recently submitted and rejected, our application is consistent with the neighborhood. Our proposed design falls squarely within the "Exceptions to maximum floor area" set forth in pp. 29-30 of the Los Gatos Hillside Development Standards and Guidelines, including but not limited to the following:

1. The development will not be visible from any of the established viewing platforms
2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.
3. Any grading necessary will be minimized.
4. All standards and applicable guidelines are being met.

5. Compliance to Title 24 Energy Efficiency shall be accomplished using computer methods with a margin of at least 10.0.
6. House will be pre-wired for future photovoltaic (PV) installation.
7. 25% of hardscape material shall be permeable. Hardscape / Landscape plan shall be presented for review.
8. Due to the steep slope of the site, a cellar element could not be incorporated in the design without having to push-down most of the house in the hill below street level.
9. There will not be a significant visual impact to neighboring properties.

My architect Mr. Bassal can address with greater specificity any questions you may have regarding the specifics of the design and why it falls within the prescribed exceptions.

We request your approval of the current plans submitted to build a home on 107 Colorado Court, based on the above. Please feel free to contact me at (408) 666-0000, or Mr. Bassal at (916) 435-0605 should you have any questions on the above.

Very truly yours,

Stewart S. Fahmy

PLEASE NOTE:

Attachment 4: Exhibit K
is available for review in the Clerks Department